

Minutes
Otay Ranch POM PMT Meeting
Conference Call

Conference call locations:
1600 Pacific Highway, Room 212
San Diego, CA 92101

276 Fourth Avenue, Executive Conference Room, #103
Chula Vista, CA 91910

July 16, 2008
2:30-3:30pm

Approved by POM PMT on 10/29/08
Motion to approve by City of Chula Vista/SCOTT TULLOCH
Motion Seconded by County of San Diego/CHANDRA WALLAR
Motion carried.

ATTENDEES:

City of Chula Vista

David Garcia, City Manager
Jill Maland, Deputy City Attorney
Marisa Lundstedt, Principal Planner
Josie McNeeley, Associate Planner

County of San Diego

Chandra Wallar, Deputy Chief Administrative Officer, Land Use & Env. Group
Michael De La Rosa, District 1, Policy Advisor
Megan Jones, Land Use Environmental Group Deputy Chief Administrator Office, Staff Officer
Renée Bahl, Director, Department of Parks and Recreation (DPR)
Cheryl Goddard, Land Use Environmental Planner, DPR
LeAnn Carmichael, Planning Manager, Department of Planning and Land Use

Public

Michael Beck, Endangered Habitat League
Rob Cameron, Otay Ranch Company
Sean Kilkenny, Otay Ranch Company

Agenda Item Numbers noted in parentheses

1. Call to Order

(1.) Meeting called to order at 2:38pm by City of Chula Vista/DAVID GARCIA.

2. Public Comment on items not related to Agenda

(III.) GARCIA opened and closed with no comment.

3. Policy Decision Issue

(III.A) County of San Diego/CHANDRA WALLAR provided background on the future infrastructure policy decision issue. Future infrastructure has been discussed the last few Preserve Management Team and Policy Committee meetings. At this time, POM staff is prepared to bring two separate recommendations forward to the Policy Committee tomorrow at their next scheduled meeting.

GARCIA stated the issue is ultimately who has decision authority over the siting of future infrastructure. The City's position is that the primary authority to site future infrastructure remains with the jurisdiction in which the improvement is located in.

WALLAR disagreed. Past IODs which were accepted did not include language referencing future infrastructure. Mistakenly, IODs that did include language referencing future infrastructure were acknowledged but not accepted. This language reserves the right to the Grantor – the developer to located easements through the property.

City of Chula Vista/MARISA LUNDSTEDT stated that the City does not intend to reserve that right to the Grantor, but rather to the City.

WALLAR stated that she agrees that the Grantor should not be reserved the right to sight future infrastructure. County POM staff has not seen any new proposed language. WALLAR stated that one jurisdiction shouldn't play a primary role and the other a secondary role. The Joint Powers Agreement was entered in order to make joint decisions over the Preserve. Each jurisdiction has the option for condemnation if the POM cannot come to agreement over the location of a proposed future infrastructure.

LUNDSTEDT stated that the City's MSCP Subarea Plan includes siting criteria for future infrastructure. The MSCP was under development as the RMP was approved. The RMP allows the POM to review and comment however, the land use authority should have final approval authority.

WALLAR stated that she disagreed. The Joint Powers Agreement was intended for both jurisdictions to have joint approval authority on POM policy issues.

MICHAEL BECK stated that he has reviewed the MSCP and RMP documents. According to RMP Phase I Policy 6.6, infrastructure plans

and their implementation shall be subject to review and comment by the appropriate jurisdictions in coordination with the POM. This implies that the POM will have final decision over the infrastructure plans. On a conservation concern, any infrastructure traversing the Preserve will have an impact to the open space.

LUNDSTEDT stated that other sections of RMP Phase 2 reserve the right for the jurisdiction having land use authority to have approval authority over land use issues affecting the jurisdiction.

WALLAR stated that the POM was created with an equal relationship in mind. Each jurisdiction should have an equal say in decisions. One jurisdiction shouldn't be able to unilaterally decide on issues which may impact the Preserve.

LUNDSTEDT stated that the City proposes POM involvement in the siting of future infrastructure as outlined in the City's white paper.

WALLAR asked why the City felt strongly about future infrastructure.

GARCIA stated that it's their responsibility to the people of Chula Vista. The City has no motivation to give up a sovereign right and responsibility.

WALLAR stated that neither jurisdiction is giving up any rights since the option of condemnation is still available.

ROB CAMERON stated that property owners are concerned with one jurisdiction being able to use a veto power over the other. RMP Phase 1 Policy 9.6 establishes a procedure for amending the RMP and states that following notice of a public hearing, the RMP may be amended by the legislative body having jurisdiction over the use of land affected by the amendment, provided that all such amendments be subject to review and comment by the POM, the City, and by the County. The POM's responsibility is strictly to review and comment.

WALLAR stated that ultimately the veto power is the option for condemnation.

GARCIA asked what would be condemned.

County of San Diego/RENÉE BAHLE stated that the land where the easement would be placed would be condemned if the POM cannot come to agreement on a specific proposed future infrastructure.

WALLAR stated that both the City and the County hold title to the land.

CAMERON stated that the City would need to comply with their MSCP permit.

WALLAR stated that we have had this same discussion on future infrastructure at least a dozen times. The conveyance document language should remain silent and each proposed future infrastructure should be reviewed on a case by case basis.

BECK asked if the RMP needs to be amended with each future infrastructure that is added.

LUNDSTEDT stated no since infrastructure was contemplated and allowed through the Preserve.

BECK stated that planned facilities were allowed and asked about future infrastructure projects.

LUNDSTEDT stated that the City's MSCP Subarea Plan allows for up to 50 acres of future infrastructure.

BECK asked if City's MSCP Plan distinguished between underground facilities and impact footprint. Hypothetically, what would the City do if an infrastructure project was needed through the City to support a project in the County?

GARCIA stated that each jurisdiction has land use authority over land within their jurisdiction.

WALLAR stated that the Preserve is jointly owned.

GARCIA stated that the City will not give up authority to maintain lands within its jurisdiction.

WALLAR stated that she adamantly opposed and that the policy makers will need to decide on this issue.

GARCIA agreed that it is time for resolution on this issue.

WALLAR stated that the County would like to propose that the POM move forward on conveyance lands in the hopper as POM staff continues to discuss ultimate resolution on future infrastructure.

GARCIA asked what good would that do.

WALLAR stated that it would allow those conveyance lands in the hopper to move forward and allow the City's new attorney to get up to speed.

LUNDSTEDT stated that there were no immediate conveyance lands impacted by future infrastructure.

County of San Diego/CHERYL GODDARD stated that there were conveyance lands immediately impacted by the future infrastructure issue located in Wolf Canyon and Salt Creek.

WALLAR stated that the Policy Committee will need to decide on this issue.

4. Next Meetings

(IV.A.) Garcia announced the next meetings. The next Policy Committee meeting is scheduled for tomorrow, Thursday, July 17th from 2:00-5:00pm. Location: Chula Vista, Public Works Center. The next PMT meeting is scheduled for September 12th from 2:00-4:00pm. Location: County Administration Center, Rooms 302/303.

5. Adjournment

(V.) Motion to adjourn by GARCIA at 3:10pm.

Motion seconded by WALLAR.

Motion carried.